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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,139	09/29/2003	Robert Turner	920673-94835	2501
23644 7590 06/14/2007 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			EXAMINER BLAIR, DOUGLAS B	
			ART UNIT 2142	PAPER NUMBER
			MAIL DATE 06/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,139

Applicant(s)

TURNER ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 5 recites the limitation "the linked proxy" in the first line of the claim. There is previously no "linked proxy" mentioned in claims 1 or 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2002/0186685 to O'Brien, JR. et al. in view of U.S. Patent Number 6,930,983 to Perkins et al.

6. As to claim 1, O'Brien teaches a method of selecting a media proxy for transmitting a media stream along a path (paragraph 3) comprising: receiving a path setup request which specifies data endpoints for the path (paragraph 31, the call is a path setup request between the

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PC client system and the receiving device of the end user), traversing a nodular network model in a predetermined pattern dependent on the specified media endpoints (paragraph 32, the media proxy is determined based on its proximity to the client PC), and selecting a media proxy based on a traversal as the said proxy for the path using a predetermined selection policy (paragraph 32, selection is based on the shortest path or the most reliable); however O'Brien does not explicitly teach a method of traversing a network model and checking for a proxy at each node.

Perkins teaches a method of selecting a proxy including checking for a media proxy at each node traversed during traversal of a network model (col. 36, lines 8-28).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of O'Brien regarding a method for selecting a media proxy with the teachings of Perkins regarding traversing a network model and identifying media proxies because O'Brien does not describe how the media proxies are initially identified and Perkins provides a possible implementation for initially identifying proxies.

7. As to claim 5, O'Brien teaches a method wherein the proxy includes a local designation which indicates whether the proxy should be used only for paths between endpoints in a particular subset of the whole network, and wherein the step of selecting the proxy includes checking the local designation and if the proxy is designated as local, determining if the specified media endpoints fall within the subset of the network (paragraph 34).

8. As to claim 6, O'Brien teaches a method wherein the path setup request is received by a call agent (paragraph 31, the telephony gateway is the call agent).

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9. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2002/0186685 to O'Brien, JR. et al. in view of U.S. Patent Number 6,930,983 to Perkins et al. in further view of U.S. Patent Number 7,085,829 to Wu et al.

10. As to claim 2, the O'Brien-Perkins combination renders claim 1 obvious however the O'Brien Perkins combination does not explicitly teach selecting the proxy from an ordered list.

Wu teaches a method for selecting a media proxy including a plurality of media proxies linked to a node in a list ordered by preference and wherein the method further includes determining the availability of a selected proxy and selecting the next proxy in the ordered list if the selected proxy is unavailable (Figure 4).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the O'Brien Perkins combination regarding a method for selecting media proxy with the teachings of Wu regarding a selection from a list of proxies and selecting the next proxy when a first is unavailable because O'Brien states that the selection process may be implemented using one of several methods (paragraph 32 of O'Brien).

11. As to claim 3, the O'Brien-Perkins combination renders claim 1 obvious however the O'Brien Perkins combination does not explicitly teach selecting the proxy from pool.

Wu teaches a method for selecting a media proxy including a plurality of proxies are linked to a node in a list forming a pool of proxies of equal preference and wherein the method further includes determining the availability of the proxies selecting a proxy in the pool using a predetermined strategy (Figure 4).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the O'Brien Perkins combination regarding a

method for selecting media proxy with the teachings of Wu regarding a selection from a list of proxies and selecting the next proxy when a first is unavailable because O'Brien states that the selection process may be implemented using one of several methods (paragraph 32 of O'Brien).

12. As to claim 4, Wu teaches a method wherein the predetermined strategy is selected from a group containing random and round-robin strategies (Figure 4 and col. 7, lines 44-62, the selection is based on random load balancing).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893.

The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Douglas Blair

A handwritten signature in cursive script, appearing to read "Douglas Blair", written in black ink.